

ORIGINAL

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FILED
Clerk
District Court

DEC 5 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorneys for Plaintiff Antonio S. Camacho

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

ANTONIO S. CAMACHO

Plaintiff,

vs.

COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS,
MARIANAS PUBLIC LANDS
AUTHORITY, successor to the Marianas
Public Lands Corporation, and
DEPARTMENT OF PUBLIC WORKS,

Defendants.

) CIVIL CASE NO. 05-

) CV 05 0043

) COMPLAINT FOR
) VIOLATION OF CIVIL RIGHTS AND
) DEMAND FOR JURY TRIAL

Plaintiff Antonio S. Camacho, by and through counsel, submits this Complaint and hereby alleges, as follows:

I.

INTRODUCTION

1. This case arises out of the taking of private property without just compensation in violation of Plaintiff's civil rights protected under the United States and Commonwealth Constitutions. Plaintiff owns property in Gualo Rai, Saipan. The Commonwealth of the

1 Northern Mariana Islands built a road through Gualo, Rai, commonly referred to as the “Gualo
2 Rai Loop.” This road crossed the Plaintiff’s property and despite repeated promises that
3 Plaintiff would be compensated for the taking of his land, it has become clear that the
4 Defendants will not willingly compensate Plaintiff for the land that they took.
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7 **II.**

8 **JURISDICTION AND VENUE**

9 2. This action is brought pursuant to 28 U.S.C. § 1331. The Court also has
10 supplemental jurisdiction over the various state law claims pursuant to 28 U.S.C. § 1367.
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12 3. Venue is proper in this Court under 28 U.S.C. §1391(a). Defendants are
13 residents of and/or are present in the Commonwealth of the Northern Mariana Islands
14 (“CNMI”). Additionally the facts giving rise to this lawsuit occurred within this District.
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17 **III.**

18 **PARTIES**

19 4. Plaintiff Antonio S. Camacho (“Mr. Camacho”) is a citizen of the United States
20 and currently a resident of Seattle, Washington. He is a former resident of the Commonwealth
21 and still owns real property in Gualo Rai, Saipan.
22

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24 5. Defendant Commonwealth of the Northern Mariana Islands (“the
25 Commonwealth”) is the government of the area formerly known as the Mariana Islands District
26 of the Trust Territory of the Pacific Islands as established under the Commonwealth’s
27 Constitution.
28

1 12. On December 22, 2003, MPLA determined that Mr. Camacho was owed
2 compensation for his land and, on behalf of the Commonwealth, made an offer to Mr. Camacho
3 pursuant to the Land Compensation Act.
4

5 13. Due to the insufficiency of the amount of this offer, the use of the incorrect date
6 of taking and the application of an interest rate far below that which was proper, Mr. Camacho,
7 through counsel, rejected this offer on February 20, 2004. In his rejection of this offer, Mr.
8 Camacho requested an administrative review.
9

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11 14. An administrative hearing was held before the Administrative Hearing Office of
12 MPLA on May 13, 2004 and that office entered a decision on September 13, 2004. Neither Mr.
13 Camacho, nor MPLA, were satisfied with this decision and both parties appealed to the Board of
14 Directors of MPLA. The appeals were taken in accordance with the Land Compensation Act.
15

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17 15. Mr. Camacho's appeal was filed with MPLA on September 28, 2004.
18

19 16. Despite numerous requests for a response, and the expiration of over one year,
20 MPLA has issued no decision regarding this appeal.
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23 17. At all times relevant to this suit, Defendants were acting under color of the laws
24 of the Commonwealth of the Northern Mariana Islands. Additionally, the actions of Defendants
25 were willful and purposeful in nature.
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V.

FIRST CAUSE OF ACTION

(violation of constitutionally protected rights)

18. Plaintiff repeats and realleges, and incorporates herein by reference, paragraphs 1 through 17 above.

19. The Defendants' actions individually, and/or in concert, constitute a taking of real property without just compensation violative of both the 5th Amendment of the United States Constitution and Article 1, Section 5 of the Constitution of the Commonwealth of the Northern Mariana Islands. Specifically, at the direction and/or on behalf of the Commonwealth, DPW "took" the property in question, and MPLA's actions, again, at the direction and/or on behalf of the Commonwealth prevent Mr. Camacho from receiving just compensation.

20. The Defendants acted individually, and/or in concert as described herein, in reckless disregard as to the civil rights of Mr. Camacho by establishing and/or implementing policies and/or procedures that resulted in the taking of his real property without just compensation in violation of both the 5th Amendment of the United States Constitution and Article 1, Section 5 of the Constitution of the Commonwealth of the Northern Mariana Islands.

21. The conduct of Defendants, as described herein, resulted in the taking of property without just compensation in violation of both the 5th Amendment of the United States Constitution and Article 1, Section 5 of the Constitution of the Commonwealth of the Northern Mariana Islands and therefore deprived him of his right to due process under the Fourteenth Amendment of the United States Constitution.


- iii. For prejudgment interest as allowed by law.
- iv. For attorney fees and costs of suit.
- v. For such other and further relief as the Court may deem appropriate.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial with respect to all issues so triable.

Dated: December 5, 2005.

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By: 
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